



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As above named inventor, I hereby declare that:

· My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ORTHODPEDIC AND DENTAL CERAMIC IMPLANTS, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed.

| Application Number | Country | Filing Date | Yes | No |
|--------------------|---------|-------------|-----|----|
| Application Number | Country | Filing Date | Yes | No |
| Application Number | Country | Filing Date | Yes | No |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

| | | |
|--------------------|--------------|---------|
| 08/446,182 | May 19, 1995 | pending |
| Application Number | Filing Date | Status |

| | | |
|--------------------|--------------|---------|
| 08/650,764 | May 20, 1996 | pending |
| Application Number | Filing Date | Status |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Mary Rose Scozzafava, Reg. No. 36,268; Sam Pasternack, Reg. No. 29,576; Mary Raynor Jimenez, Reg. No. 37,219; David J. Powsner, Reg. No. 31,868; and Brenda H. Jarrell, 39,223.

Address all telephone calls to Mary Rose Scozzafava at (617) 248-5138.

Address all correspondence to Mary Rose Scozzafava at Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Dosuk D. Lee

Inventor's signature _____ Date _____

Residence 50 Longwood Avenue, Apt. 518, Brookline, Massachusetts 02146

Citizenship United States

Post Office Address same

Full name of second inventor Christian Rey

Inventor's signature _____ Date _____

Residence Lieu-dit "Les Dames" Aureville 31320 Castanet, France

Citizenship France

Post Office Address same

Full name of third inventor Maria Aiolova

Inventor's signature _____ Date _____

Residence 123 Seawall Avenue, Brookline, Massachusetts 02146

Citizenship Bulgaria

Post Office Address same

Full name of fourth inventor _____

Inventor's signature _____ Date _____

Residence _____

Citizenship _____

Post Office Address _____

_____ Additional inventors are being named on separately numbered sheets attached

Applicant: Dosuk Lee et al.
Serial No.: 17
Filed: October 16, 1996
For: ORTHOPEDIC AND DENTAL CERAMIC IMPLANTS

Attorney's Docket No.: 0245352-0013



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (F) AND 1.27 (D)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- () the owner of the small business concern identified below:
(x) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Etex Corporation

ADDRESS OF CONCERN: 38 Sidney Street, Cambridge, Massachusetts 02139

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ORTHOPEDIC AND DENTAL CERAMIC IMPLANTS by Dosuk D. Lee, Christian Rey and Maria Aiolova described in

- () the specification filed herewith
() application serial no. _____, filed October 16, 1996
() patent no. _____, issued

If the rights of the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named

person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

() Individual () Small Business Concern () Nonprofit Organization

FULL NAME _____

ADDRESS _____

() Individual () Small Business Concern () Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dosuk D. Lee

TITLE OF PERSON: President, Etex Corporation

ADDRESS OF PERSON: 38 Sidney Street, Cambridge, Massachusetts 02139

SIGNATURE _____ DATE _____

ASSIGNMENT

WHEREAS, We, **Dosuk D. Lee** of Brookline, Massachusetts; **Christian Rey** of Castanet, France; and **Maria Aiolova** of Brookline, Massachusetts; having invented certain new and useful improvements in **ORTHOPEDIC AND DENTAL CERAMIC IMPLANTS** for which We are making an application for United States Letters Patent, the said application being attached herewith; and

WHEREAS, Etex Corporation, a small business corporation having offices at 38 Sidney Street, Cambridge, Massachusetts, and its successors and assigns (collectively hereinafter called "the Assignee"), is desireous of acquiring my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledge, We do hereby sell assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive right, title and interest in and to said invention and in and to said application and all patents which may granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and We hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interest is concerned, to the said ASSIGNEE of our entire right, title and interest.

We also hereby sell and assign to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention, and all rights to register said invention in appropriate registries; and We further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

We hereby further agree that We will communicate to said ASSIGNEE, or to its successors, assigns and legal representative, any facts known to our respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

IN WITNESS WHEREOF, I hereto set my hand and seal this _____ day of
_____, 19_____.

Dosuk D. Lee

Before me this _____ day of _____, 19_____, personally appeared
Dosuk D. Lee known to me to be the person whose name of subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

Witnessed by: _____

Witnessed by: _____

IN WITNESS WHEREOF, I hereto set my hand and seal this _____ day of
_____, 19_____.

Christian Rey

Before me this _____ day of _____, 19_____, personally appeared
Christian Rey known to me to be the person whose name of subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

Witnessed by: _____

Witnessed by: _____

IN WITNESS WHEREOF, I hereto set my hand and seal this _____ day of
_____, 19____.

Maria Aiolova

Before me this _____ day of _____, 19____, personally appeared
Maria Aiolova known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

Witnessed by: _____

Witnessed by: _____